



Dkt. 0763/74768-BA-PCT-US/JPW/GJG/JRM

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Michael Wayne Graham et al.

Serial No.: 10/646,070 Examiner: Whiteman, Brian A.

Filed: August 22, 2003 Art Unit: 1635

For : CONTROL OF GENE EXPRESSION

1185 Avenue of the Americas New York, New York 10036

January 25, 2008

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, applicants direct the Examiner's attention to the following references which are listed on the Substitute Form PTO-1449 attached hereto as **Exhibit A**:

- 1. Que, Q., et al., (1998) "Distinct Patterns Of Pigment Suppression Are Produced By Allelic Sense And Antisense Chalcone Synthase Transgenes In Petunia Flowers" The Plant Journal 13:401-409; and
- 2. Partial European Search Report issued November 2, 2007 in connection with European Patent Application No. 07008204.5.

The Examiner is respectfully requested to make each of these references of record in the present application by initialing and returning a copy of the enclosed Substitute Form PTO-1449.

Applicants : Michael Wayne Graham et al.

Serial No. : 10/646,070

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Page 2 of 4 of January 25, 2008 Supplemental Information

Disclosure Statement

Applicants note that each of Fire, A., et al., (1998) "Potent And Specific Genetic Interference By Double-Stranded Caenorhabditis Elegans" Nature 391:806-811, Assad, F.F., et al., (1993) "Epigenetic Repeat-Induced Gene Silencing (RIGS) Arabidopsis" Plant Molecular Biology 22:1067-1085, Hamilton, A.J., et al., (1998) " A Transgene With Repeat DNA Causes High Frequency, Post-Transcriptional Suppression Of ACC-Oxidase Gene Expression In Tomato" The Plant Journal 15:737-746, Stam, M., et al., (1997) "The Silence Of Genes In Transgenic Plants" Annals of Botany 79:3-12, Dorer, D.R., and Henikoff, S. (1997) "Transgene Repeat Arrays Interact With Distant Heterochromatin And Cause Silencing In cis And trans" Genetics 147:1181-1190, Dorer, D.R., (1994) "Expansions Of Transgene Repeats Heterochromatin Formation And Gene Silencing In Drosophila" Cell 77:993-1002, PCT International Publication No. WO 99/32619, published July 1, 1999, Que, Q., et al., (1998) "Homology-Based Control Of Gene Expression Patterns In Transgenic Petunia Flowers" Developmental Genetics 22:100-109, Grant, S.R. (1999) "Dissecting The Mechanism Of Posttranscriptional Gene Silencing: Divide And Conquer" Cell 96:303-306, Fire, A. (1999) "RNA-Triggered Gene Silencing" Trends in Genetics 15:358-363. Montgomery, M.K., and Fire, A. (1998) "Double-Stranded RNA As A Sequence-Specific Genetic Silencing Mediator In And Co-Suppression" TIG 14:255-258, Timmons, L., and Fire, A. (1998) "Specific Interference By Ingested dsRNA" Nature 395:854, and PCT International Publication No. WO 98/53083, published November 26, 1998, as cited in the enclosed Partial European Search Report was previously disclosed in connection with the above-identified application in an Information Disclosure Statement submitted July 27, 2004.

Applicants : Michael Wayne Graham et al.

Serial No. : 10/646,070

Filed : August 22, 2003

Page 3 of 4 of January 25, 2008 Supplemental Information

Disclosure Statement

Applicants note that each of U.S. Patent No. 5,272,065, issued December 21, 1993, to Inouye et al. and Fire, A., et al., (1991) "Production Of Antisense RNA Leads To Effective And Specific Inhibition Of Gene Expression In *C. Elegans* Muscle" *Development* 113:503-514 as cited in the enclosed Partial European Search Report was previously disclosed in connection with the above-identified application in an Information Disclosure Statement submitted February 11, 2005.

This subject application is a continuation of U.S. Serial No. 09/646,807, filed December 5, 2000. Applicants have submitted copies of references 1 and 2 in connection with U.S. Serial No. 09/646,807. Applicants are not submitting copies of this reference herewith in accordance with 37 C.F.R. \$1.98(d).

According to 37 C.F.R. §1.97(c) an Information Disclosure Statement filed after the period specified in 37 C.F.R. §1.97(b) shall be considered if accompanied by the fee set forth in the 37 C.F.R. §1.17(p) or a statement under 37 C.F.R. §1.97(e). Applicants state that each item of information contained in this information disclosure statement was cited in a November 2, 2007 communication from a foreign patent office in a counterpart foreign application, i.e. not more than three months prior to the filing of this information disclosure statement.

If a telephone interview would be of assistance in advancing prosecution of the subject application, Applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

Michael Wayne Graham et al. Applicants :

Serial No. : 10/646,070

Filed August 22, 2003

Page 4 of 4 of January 25, 2008 Supplemental Information

Disclosure Statement

No fee is deemed necessary in connection with the filing of this Supplemental Information Disclosure Statement. However, if any fee is required authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:

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